



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION

OF: ROSENBERG ET AL.

SERIAL No. 09/037,792

FILED: MARCH 10, 1998

FOR: MULTIPHASE ACTIVE INGREDIENT-CONTAINING FORMULATIONS

Box: ISSUE FEE

CONFIRMATION No.: 7545

GROUP ART UNIT: 1617

EXAMINER: E. J. WEBMAN

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner of Patents and Trademarks, Alexandria, Va 22313-1450, on:

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Honorable Commissioner

for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

S U B M I S S I O N

Sir:

In view of the Supplemental Notice of Allowability dated June 14, 2004, it is respectfully requested that the following be considered prior to issuance of the patent.

On April 27, 2004, applicants' submitted a claim to priority including a certified copy of the priority application DE 197 10 009.0, which has a filing date of March 12, 1997. Due to an inadvertent error, the cover letter indicated the Serial number of the application as "09/964,795" instead of 09/037,792.

On May 13, 2004, applicants submitted an amendment to correct the claim to priority (copy attached) including a request to have the priority document which was submitted on April 27, 2004, entered and considered in the correct file.

Since the Supplemental Notice of Allowability did not acknowledge the papers submitted by applicants, it is herewith respectfully re-

requested that the claim to priority be entered and considered prior to issuance of the patent. Favorable action is solicited.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, to Deposit Account No. 11.0345. Please credit any excess fees to such deposit account.

Respectfully submitted,

KEIL & WEINKAUF



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Encl.: Amendment submitted on May 13, 2004, including attachments

HBK/BAS